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OFFICE OF PETITIONS

In re Patent No. 7,086,789 :
Issued: August 8, 2006 :
Application No. 10/648,175 :
Filed: August 26, 2003 :
Attorney Docket Number: 1326-017 :

ON PETITION

This is a decision on the petition, filed April 11, 2007, under 37 3.81(b)¹, to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of the second assignee, NIPPON TELEGRAPH AND TELEPHONE CORPORATION, was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the second assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

A request for certificate of correction (and fee) was filed December 21, 2006 and dismissed in a decision mailed February 1, 2007 since the request was not accompanied by a petition under 37 CFR 3.81.

¹ See Official Gazette of June 22, 2004

Office assignment records however, reflect that NIPPON TELEGRAPH AND TELEPHONE CORPORATION is also an assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee and the fee for the certificate of correction have been properly posted to the finance records for this patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions